

MINUTES OF THE REGULAR MEETING OF MAY 7, 2015

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, May 7, 2015 in the County Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware.

The meeting was called to order at 6:00 p.m. with Chairman Wheatley presiding. The following members of the Commission were present: Mr. Robert Wheatley, Mr. I.G. Burton, III and Mr. Martin Ross with Mr. Vincent Robertson – Assistant County Attorney, Mr. Lawrence Lank – Director and Ms. Janelle Cornwell – Planning and Zoning Manager.

Motion by Mr. Burton, seconded by Mr. Ross, and carried unanimously to approve the Agenda as circulated. Motion carried 3 – 0.

Motion by Mr. Burton, seconded by Mr. Ross, and carried unanimously to approve the Minutes of April 23, 2015 as amended. Motion carried 5 – 0.

PUBLIC HEARINGS

Mr. Robertson explained the process for holding public hearings.

AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE X, §69 AND §72; ARTICLE XI, §77 AND §80 AND; ARTICLE XIA, §83.2 AND §83.6 OF THE CODE OF SUSSEX COUNTY RELATING TO TEMPORARY REMOVABLE VENDOR STANDS.

Mr. Lank summarized the proposed Ordinance Amendment and read the Synopsis.

Mr. Lank summarized and read an Email from David C. Hutt, Esquire with Morris James Wilson Halbrook & Bayard, LLP which references that he thinks that the proposed Ordinance Amendment is a good idea since a client of his recently endured the three public hearing process before the Planning and Zoning Commission, the Sussex County Council, and the Board of Adjustment in order to get a vendor stand approval; that he does have a concern about the proposed time limit of 6 months; that he represented the Hocker family in their application for the BBQ vending application and had received an approval with a time period from April 1 through November 1; that the Chester Townsend vendor application for Fishkillers was for the same time period; that a recent application for “Taco Reho” was approved without a time limitation, but with a requirement that the vending truck not be permanently affixed to the site; that in speaking for the Hocker family there was no anxiety or negative comments about the operation from April 1 through November 1 during any of the public hearings; that for vendors along the coast the shoulder seasons are significant as festivals and events occur when there is still a decent chance of good weather at the beach; that there are certainly months of the year that the beach is essentially closed because of the weather but he believes that a vending time of 8 – 9 months or from March 15 through November 15 is more appropriate as it would encompass what

the weather allows for as both the primary and shoulder seasons in the County and still keep temporary food vendors from being year round operations.

Mr. Robertson advised the Commission that staff has tried to create criteria to correct an issue that seems like overkill on vendor applications; that the current process creates sometimes a three (3) public hearing process; that the requirements of the Ordinance Amendment suggested, specifically requirements A through G, can be adjusted. Mr. Robertson read the text of requirements A through G for discussion.

The Commission discussed the Ordinance Amendment.

The Commission found that Paul Reiger questioned why the Ordinance Amendment could not include the AR-1 Agricultural Residential District since a lot of farmers offer produce and foods for sale; and that the Zoning Ordinance references that in a C-1 General Commercial District and a CR-1 Commercial Residential District permitted uses include those uses permitted in the AR-1 Agricultural Residential District.

The Commission found that there were no other parties expressing any interest in this Ordinance Amendment, whether in support of or in opposition to the Ordinance Amendment.

At the conclusion of the public hearings the Commission discussed this Ordinance Amendment.

Mr. Ross stated that he would move that the Commission recommend approval of the “Vendor Ordinance” amending Chapter 115 of the Zoning Code, with the additional recommendation that the six (6) month time limit be replaced with specified dates, so that the first paragraph of Chapter 115 Article X Section 69, Chapter 115, Article XI Section 77, and Chapter 115 Article XIA Section 83.2 should now state as follows:

“Temporary removable vendor stands, including but not limited to “food trucks” and similar vehicles or trailers, located on the premises between March 15 and November 15 of each year for the sale of food, agricultural products, or other related food related goods. Such temporary removable vendor stands must comply with all of the following requirements:”

Motion by Mr. Ross, seconded by Mr. Burton, and carried unanimously to forward a recommendation to the Sussex County Council that the Ordinance Amendment be approved with the suggested amendment quoted. Motion carried 3 – 0.

Subdivision No. 2015-1 – lands of **ROY F. ROGERS** zoned AR-1 (Agricultural Residential District) in Indian River Hundred, Sussex County, by dividing 17.42 acres into 5 lots and a waiver from the street design requirements and forested buffer requirements. The property is located at the southeast corner of Washington Street Extended and Walt Carmean Lane. Tax Map I.D. 234-32.00-40.09.

Mr. Lank advised the Commission that Lots K through N have access to either Walt Carmean Lane, a road dedicated to public use, but privately maintained, or Washington Street Extended, a private road; that Walt Carmean Lane was dedicated to public use and recorded on February 22, 2007; and that the Commission had previously approved 5 lots (lots G through J under Subdivision No. 2011-6), a similar request; that two lots were approved on the easterly side of

Walt Carmean Lane by the Commission in 1998; that the previously existing lots along the westerly side of Walt Carmean Lane were previously extended in size only; that the survey plot indicates that Walt Carmean Lane is paved to a point approximately 280 feet south of lot K; and that the subdivision was not submitted to the Technical Advisory Committee for review since it is basically a minor subdivision along an existing road.

The Commission found that the Sussex Conservation District provided comments in the form of a memorandum, dated May 4, 2015, which reference that there are three (3) soil types on this property; that the applicant will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation after construction; that no storm flood hazard areas are affected; that it is not likely that any on-site or off-site drainage improvements will be required; and that no tax ditches are affected.

The Commission found that the Sussex County Engineering Department Utility Planning Division provided comments in the form of a memorandum, dated May 6, 2015, which reference that the site is not in a proposed or current County operated and maintained sanitary sewer and/or water district; that the site is located in the Town of Millsboro Growth Area; that conformity to the North Coastal Planning Study will be required; that the parcel is not in an area where the County will provide sewer service; that the applicant can contact the Town of Millsboro for information relating to sewer service; and that a concept plan is not required.

The Commission found that Roy F. Rogers was present on behalf of the Rogers family requesting permission to subdivide the parcel into four (4) lots and a residual acreage parcel; that the road was originally a dirt road; that a State Representative provided road funding to improve a portion of the road to serve lots that were improved with dwellings; that the lots will have individual septic systems and wells; that it is not the intent of the family to sell lots, it is only intended that the lots be conveyed to family members; that they have not yet received septic feasibility for the lots; that the waivers requested will allow for the approval of the lots without impacting the family or family members with major costs; and that there is no known intent to further develop the residual acreage parcel.

Mr. Wheatley expressed some concern that the applicant is hoping that the State will complete the road.

The Commission found that there were no parties present in support of or in opposition to this application to subdivide.

At the conclusion of the public hearings, the Commission discussed this application.

Motion by Mr. Burton, seconded by Mr. Ross, and carried unanimously to defer action for further consideration and to keep the record open for a DNREC report of the septic feasibility. Motion carried 3 – 0.

C/U #2015 – Delaware Division of Facilities Management – an Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for a public service facility (State Police) to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 9.3 acres, more or less. The property is located southwest of Mulberry Knoll Road (Road 284) 1,450 feet northwest of Jon J. Williams Highway (Route 24) and 2,700 feet southwest of Cedar Grove Road (Road 283) (911 Address: None Available) (Tax Map I.D. 334-12.00-16.06).

The Commission found that the applicants submitted a survey/site plan with their application on February 18, 2015.

The Commission found that DelDOT provided comments in the form of a letter, dated April 7, 2015, a letter dated February 25, 2015, and a Support Facilities Report dated January 23, 2015, referencing that the Department has no objection to the recordation of the site plan as submitted to DelDOT; that a Traffic Impact Study is not recommended; that current Level of Service of Mulberry Knoll Road from John J. Williams Highway to Cedar Grove Road will not change as a result of this application.

The Commission found that the Sussex Conservation District provided comments in the form of a memorandum, dated May 4, 2015, referencing that the site contains one soil type; that the applicants will be required to follow recommended erosion and sedimentation control practices during construction and to maintain vegetation after construction; that no storm flood hazard areas are affected; that it is not likely that off-site drainage improvements will be required; that on-site drainage improvements will be required; and that no tax ditches are affected.

The Commission found that the County Engineering Department Utility Planning Division provided comments in the form of a memorandum, dated May 7, 2015, referencing that the site is located in the West Rehoboth Expansion Area; that wastewater capacity is available for the project; that Ordinance 38 construction will be required; that sewer service has not yet been extended to the Goslee Creek Planning Area; that a connection point will be determined at a later date; that conformity to the Goslee Creek Planning Study and draft priority project memorandum, dated April 1, 2015, will be required; that the project area is located in the Goslee Creek Planning Area for sewer service, and was recently annexed into the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District; that the County completed a planning study to determine how service to the Planning Area will be provided; that the proposed Delaware State Police, Troop 7, project was included in the priority project in the study, and a means for providing service was included as a work item; that the County recently requested that its consultant undertake further study of 3 priority projects to develop connection options allowing for flexible construction timelines; that the Troop 7 project is one of the priority projects studied; that the report has been provided to the State; that easements and a pump station site must be provided to the County; that the County requires design and construction of the collection and transmission system to meet County sewer standards and specifications; that a sewer concept plan must be submitted for review and approval prior to design of the sewer system; and that a checklist for preparing a concept plan was attached.

The Commission found that Dean Holden, Professional Engineer with the Becker Morgan Group as present with Major Robert Hawkins of the Delaware State Police and that they stated in their presentation and in response to questions raised by the Commission that this application has been filed so that the existing Troop 7 facility on Route One (Coastal Highway) can be replaced to support the needs to expand the Troop 7 facilities; that the new facility is designed to support 111 staff; that they anticipate a total of 168 vehicle trips per day; that DelDOT did not recommend that a Traffic Impact Study be performed; that the facility was reviewed through the PLUS process in March 2015; that they have responded to the PLUS comments; that the Office of the State Fire Marshal has reviewed the site plan; that they have met with the County Engineering Department for comments; that Tidewater Utilities, Inc. will provide central water service; that the soils on the site are good for drainage; that there are no wetlands on the site; that the intended use of the existing Troop 7 facility is unknown at this time; that they have met with the Cape Henlopen School staff to create a cross access connection with the proposed Elementary School; that it is the intent to create a shared boundary between the school and the troop facility that will be fenced and gated limiting access; and that a revised site plan has been prepared to correct the joint access serving both the school and the troop facility.

Mr. Robertson asked Zac Crouch, Professional Engineer with Davis Bowen & Friedel, Inc., present on behalf of the application for the Cape Henlopen School District, to come forward to comment.

Mr. Crouch responded and agreed that the School District has been working with Troop 7 on the site plan and were in agreement with the concept.

The Commission found that Mr. Holden and Major Hawkins continued by responding to questions raised by the Commission and stating that the intent is to bid out for contracts as early as the Fall of 2015 and that the construction period is anticipated to last approximately 18 months; that the existing Troop 7 facility is approximately 30 years old; that the building, constructed by Nanticoke Homes, has been very adequate, but needs to be replaced and enlarged to accommodate the necessary staff; that Troop 7 has doubled in staff since the building was first built; and that the site with building improvements may be sold or provided to another agency.

The Commission found that Mark DeVero, present on behalf of the Delaware Division of Facilities Management, stated that the use of the existing property has not yet been determined.

The Commission found that Mr. Holden and Major Hawkins continued by responding that this site was chosen since it is centrally located within the Troop area with access to major routes; and that the community room reference will allow for troop meetings, emergency meetings, and citizen meetings, and referenced more specifically Crime Watch and other groups to work with the Troop.

The Commission found that there were no parties present in support of or in opposition to this application.

At the conclusion of the public hearings, the Commission discussed this application.

Mr. Burton stated that he would move that the Commission recommend approval of Conditional Use No. 2015 for The Delaware Division of Facilities Management for a public service facility (State Police) based on the record made during the public hearing and for the following reasons:

- 1) The use is for a very public purpose – the Delaware State Police.
- 2) A new police barracks will promote the health, safety and welfare of Sussex County residents and visitors.
- 3) The site is appropriate for this use. It is in a location that provides centralized access to many points in eastern Sussex County.
- 4) The use will not adversely affect neighboring properties or roadways.
- 5) This application will allow the relocation of the existing Troop 7 to a larger tract of land. It will also allow the State Police to construct a larger, more modern building and facilities than what currently exists in the Route One location. The site also allows for future expansion of staffing levels for Troop 7.
- 6) No parties appeared in opposition to this application.
- 7) This recommendation is subject to the following conditions:
 - A. The site shall comply with all DelDOT entrance and roadway improvement requirements.
 - B. The site shall comply with all requirements of the Sussex Conservation District.
 - C. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Burton, seconded by Mr. Ross, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons and with the conditions stated. Motion carried 3 – 0.

C/U #2016 – Cape Henlopen School District – an Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for an elementary school to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 25.4 acres, more or less. The property is located northwest of John J. Williams Highway (Route 24) 500 feet southwest of Mulberry Knoll Road (Road 284) (911 Address: None Available) (Tax Map I.D. 334-12.00-45.01).

The Commission found that the applicants provided a survey/site plan with their application received on February 23, 2015; that a Revised Site Plan, an Exhibit Booklet, and an additional Exhibit Packet were provided on April 27, 2015; that the Exhibit Booklet contains references to Land Use and Zoning, Land Utilization, Environmental information, Traffic information, and Civil Engineering information, a Data Sheet, copies of the original development proposed site plan, copies of a revised development site plan, a series of maps and aeries, a copy of the response to the PLUS comments, a copy of a letter and request for a Service Level Evaluation Request with maps and information related to the Request, a copy of a Report from DelDOT relating to a Traffic Impact Study and Scoping Meeting, a copy of a portion of the Beers Atlas, a letter referencing the Environmental Assessment and Public Facilities Evaluation Report, and a

Willing to Serve letter from Chesapeake Utilities Corporation for natural gas service; and that the additional Exhibit Packet contains a copy of the Certificate of Necessity, Referendum Information, and Referendum Approval.

The Commission found that on May 4, 2015 the Sussex Conservation District provided comments in the form of a Memorandum referencing that there are three (3) soil types on this parcel; that the applicants will be required to follow recommended erosion and sedimentation control practices during construction and to maintain vegetation after construction; that no storm flood hazard areas are affected; that it is not likely that off-site drainage improvements will be required; that on-site drainage improvements will be required; and that no tax ditches are affected.

The Commission found that the County Engineering Department Utility Planning Division provided comments in the form of a Memorandum referencing that the site is located in the West Rehoboth Expansion Area; that wastewater capacity is available for the project; that Ordinance 38 construction will be required; that sewer service has not yet been extended to the Goslee Creek Planning Area; that a connection point will be determined at a later date; that conformity to the Goslee Creek Planning Study and draft priority project memorandum dated April 1, 2015 will be required; that the project area is located in the Goslee Creek Planning Area for sewer service, and was recently annexed into the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District; that the County completed a planning study to determine how service to the Planning Area will be provided; that the proposed school project was included as a priority project in the study, and a means for providing service was included as a work item; that the County recently requested that its consultant undertake further study of 3 priority projects to develop connection options allowing for flexible construction timelines; that the school is one of the priority projects studied; that the report has been provided to the School District; that easements and a pump station site must be provided to the County; that the County requires design and construction of the collection and transmission system to meet County sewer standards and specifications; that the County Engineer must approve the connection point; that a sewer concept plan must be submitted for review and approval prior to design of the sewer system; and that a checklist was provided for preparing concept plans.

The Commission found that James Fuqua, Esquire with Fuqua, Yori and Willard, P.A. was present on behalf of the Cape Henlopen School District with Zac Crouch, Professional Engineer with Davis Bowen & Friedel, Inc., Brian Bassett and Robert Fulton with the Cape Henlopen School District, and Tim Skibicki, Architect, and that they stated in their presentations and in response to questions raised by the Commission that the proposed Love Creek Elementary School is intended to serve students from Kindergarten through 5th grade; that the new school location required approval from the State; that 11 possible school locations were reviewed and considered by PLUS; that after consideration, this site was chosen as the most appropriate; that this site is located in an area of the District with the largest population concentration of students; that the site is directly across from the Beacon Middle School; that the State will pay 60% of the cost for the School; that the District will have to pay the remainder; that a Referendum was held on April 2, 2014 and was approved; that central sewer will be provided by the County; that

central water will be provided by Tidewater Utilities, Inc.; that buses already travel Route 24; that the Traffic Impact Study was been completed and is in final review by DelDOT; that there are no Federal or State Wetlands on the site; that there are no known archaeological sites or environmental concerns relating to the site; that the site is in close proximity to the shared Lewes/Rehoboth Beach Fire Department facility to the west; that stormwater management will be designed to current DNREC regulations; that the entrance is directly across from the Beacon Middle School entrance at the traffic light; that a limited joint access with the State Police facility is proposed; that 167 parking spaces are required; that 177 parking spaces are proposed with additional bus parking facilities; that the building has been designed for future expansions; that two outdoor recreational fields and playground areas are proposed; that all playground equipment will be designed to National standards; that the site is located in an Investment Level 2 according to the Strategies for State Policies and Spending document; that the site is located in an Environmental Sensitive Developing Area according to the Comprehensive Plan 2008, which supports public service uses; that the use complies with the purpose of a Conditional Use since it supports public and semi-public uses; that they previously met with the County Engineering Department and will be building a pump station to be shared with the Troop 7 facility; that the bus area and limited access to the Troop 7 facility will be gated; that the intersection with the Beacon School will be a 4-way lighted intersection; that multi-modal facilities will be completed to State specification and subject to review, approval and inspection by DelDOT; that they hope to be able to break ground in the Fall of 2015; that it has always been a desire of the State to improve the Mulberry Knoll intersection due to safety concerns, but it is not likely that a traffic light will be installed due to the close proximity to the traffic light at the Beacon School entrance; that pedestrian access is anticipated at the Beacon School signal for access between the Beacon School and the Elementary School; that no variances will be needed; that sidewalks will interconnect to the multi-modal paths; and that standard widening of Route 24 is anticipated per DelDOT.

The Commission found that there were no parties present in support of this application.

The Commission found that Jim Snyder, an area resident, was present, not in opposition but questioned if there is enough storage capacity for vehicles for parents waiting, dropping off or picking up students at the school.

The Commission found that Mr. Crouch responded that the design increases storage lanes and through lanes for more vehicles and should eliminate vehicles waiting along Route 24.

The Commission found that Brian Bassett responded that the original site plan was similar to the Beacon School; that this site plan has a 40% increase in parking spaces over the Beacon School design; and that it is anticipated that less parent pickup will be taking place due to a staggered start times at the two schools.

The Commission found that Mr. Fuqua submitted suggested proposed Findings of Fact and Conditions of Approval for consideration.

The Commission found that there were no parties present in opposition to this application.

At the conclusion of the public hearings, the Commission discussed this application.

Mr. Burton stated that he would move that the Commission recommend approval of Conditional Use No. 2016 for the Cape Henlopen School District for an Elementary School based on the record made during the public hearing and for the following reasons:

- 1) The use is for a public purpose – a new elementary school for the children and families of the Cape Henlopen School District.
- 2) A new elementary school will promote the health, safety, and welfare of Sussex County residents and their children.
- 3) The site is appropriate for this use. It is in a location along Route 24 across from the existing Beacon Middle School. It will serve children from families in the growing areas of Route 24, Love Creek, and Angola Neck who are currently bussed to other elementary schools in the District. This will shorten the bus times for these children and create a community school for the children and their families.
- 4) The new school was the subject of a successful referendum that passed within the Cape Henlopen School District.
- 5) Based upon the information presented during the public hearing, there is a need for an additional elementary school in this area of Sussex County within the Cape Henlopen School District, and it will reduce crowding in the existing elementary schools in the District.
- 6) The use will not adversely affect neighboring properties or roadways.
- 7) The State Office of Management and Budget, the Department of Education, and the Office of State Planning Coordination have each approved this site for an elementary school.
- 8) The site will be served by central water and Sussex County sewer.
- 9) The site is in a growth area according to the Sussex County Comprehensive Plan, which is an appropriate location for an elementary school.
- 10) This recommendation is subject to the following conditions:
 - A. The site shall comply with all DelDOT entrance and roadway improvement requirements.
 - B. The site shall comply with all requirements of the Sussex Conservation District.
 - C. All lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
 - D. There shall be a 20 foot wide forested buffer installed and maintained along all residential lots along the northeast boundary of the site.
 - E. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Burton, seconded by Mr. Ross, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons and with the conditions stated. Motion carried 3 – 0.

C/Z #1771 – B. Ray Investments, LLC – an Ordinance to amend the Comprehensive Zoning Map of Sussex County from AR-1 (Agricultural Residential District) to a CR-1 (Commercial Residential District) for a certain parcel of land lying and being in Northwest Fork Hundred, Sussex County, containing 2.062 acres, more or less. The property is located east of U.S. Route 13 (Sussex Highway) 0.2 mile north of Road 583 (Adams Road) (911 Address: None Available) (Tax Map I.D. 530-14.00-15.00).

The Commission found that the applicants provided a survey of the property with their application.

The Commission found that on December 10, 2014 DelDOT provided comments in the form of a letter and Support Facilities Report referencing that the Department recommends that this rezoning application be considered without a Traffic Impact Study and that the need for a Traffic Impact Study be evaluated when a subdivision or land development plan is proposed.

The Commission found that on May 4, 2015 the Sussex Conservation District provided comments in the form of a memorandum referencing that the property contains three (3) soil types; that the applicant will be required to follow recommended erosion and sedimentation control practices during construction and to maintain vegetation after construction; that no storm flood hazard areas are affected; that it is not likely that any off-site drainage improvements will be required; that at this time on-site drainage improvements may not be required; and that a tax ditch borders the site on the northeast side and that development of the site may have a potential affect on the ditch.

The Commission found that on May 6, 2015 the County Engineering Department Utility Planning Division provided comments in the form of a memorandum referencing that the site is located in the Western Sussex Planning Area #1; that conformity to the Western Sussex Planning Study will be required; that the proposed use is not in an area where the County has a schedule to provide sewer at this time; and that a concept plan is not required.

The Commission found that Eddy Parker was present on behalf of “Bay to Beach Builders” and stated in his presentation and in response to questions raised by the Commission that the purpose of this application is to provide a storage facility for the company; that the company has a display home/design center and corporate offices in Greenwood at the intersection of U.S. Route 13 and Route 16; that the site has been improved by the removal of a dilapidated home; that they built a pole building on the site for personal use and storage, and are currently storing a tractor and other equipment in the building for use on the property; that the site is basically surrounded by commercial uses, referencing Delaware Electric Cooperative across U.S. Route 13, several business/commercial uses to the north and south of the site; that the area is predominantly zoned C-1 General Commercial with some additional Conditional Uses; that no water or sewer is proposed, and the only intent of the use of the building is storage of materials; that he anticipates 1 or 2 staff vehicles per day; that the size of the building is adequate for the storage of materials; that the land drops off toward the ditch; and that the lot is very restricted for making improvements due to the 85-foot tax ditch easement.

The Commission found that Mr. Parker submitted a portion of the Tax Map of the area depicting the zoning and photographs of the site and area.

The Commission found that there were no parties present in support of or in opposition to this application.

At the conclusion of the public hearings the Commission discussed this application.

Motion by Mr. Ross, seconded by Mr. Burton, and carried unanimously to defer action for further consideration. Motion carried 3-0.

OTHER BUSINESS

Americana Bayside MR/RPC

Town Center – Phase I – Final Site Plan

The Site Plan is for the Town Center Phase 1A of the MR-RPC application. The property is located at the southwest corner of American Parkway East and Destination Dr. within the Americana Bayside subdivision. The property is zoned MR (Medium- Density Residential District). Tax Parcel ID: 533-19.00-778.00. The Site Plan is for the construction of a 2,600 SF Welcome Center, a 1,230 SF Post Office building and an area for future retail uses. The Site Plan also includes 65 parking spaces for the area. The number needs to be corrected on the Plan Sheet. Staff is still awaiting DelDOT and Sussex Conservation District Approval Letters. All other approval letters have been received.

Motion by Mr. Ross, seconded by Mr. Burton, and carried unanimously to approve the preliminary site plan and allow staff approval of the final site plan with the minor correction and upon receipt of other agency approvals. Motion carried 3-0.

Christina Abramowicz

C/U #2001 – Site Plan – Road 265-A

The Site Plan is for the establishment of a veterinary practice. The Planning Commission approved a Conditional Use (CU #2001) for the use as a veterinary practice at the January 20, 2015 meeting. The property is located on the east side of Old Mill Rd. (Rd. 265-A). The property is zoned AR-1 (Agricultural Residential District). Parcel ID: 334-1.0-23.00 The Final Site Plan complies with the conditions set by the Planning Commission. The conditions are identified on the Final Site Plan. The State Fire Marshal's Office and DelDOT have provided their final approval letters.

Motion by Mr. Burton, seconded by Mr. Ross, and carried unanimously to approve the final site plan. Motion carried 3-0.

2-RAM Construction Co., Inc.

Preliminary Commercial Site Plan

The Site Plan is for the construction of a 1,920 SF storage/warehouse building. The property is located on the north side of Central Ave., south of Canal Crossing Rd. The property is zoned C-1 (General Commercial District). Parcel ID: 334-13.20-20.01. The front yard setback is 30 feet. The side yard and rear yard setbacks are five (5) feet. The building is proposed to be constructed on the northeast side yard setback line. The proposed building complies with the required setbacks. The site requires two (2) parking spaces based on 1 parking space for every 2 employees on the major shift. There are two (2) parking spaces provided. Staff is awaiting other agency approvals.

Motion by Mr. Burton, seconded by Mr. Ross, and carried unanimously to approve the preliminary site plan and allow staff approval of the final site plan upon receipt of other agency approvals. Motion carried 3-0.

BLN, LLC

2 Parcels & 50' Easement – Route 18

This is a minor subdivision for the creation of one (1) lot, a residual lot with a 50 ft. easement. The property is located on the north side of Seashore Hwy. (Rt. 18). The property is split zoned. A portion of the property is zoned C-1 (General Commercial District) and the remainder is zoned AR-1 (Agricultural Residential District). Parcel ID: 231-6.0-6.00. The property is 13.162 +/- acres. The minor subdivision will create a 3.951 +/- acre parcel with the required 150 ft. of road frontage and a 9.210 +/- acres parcel with access along the 50 ft. easement. The 50 ft. easement covers the existing entrance into the site. The easement will then cut across the property going west and then run along the west property line. This application was deferred on April 9th to allow the Planning Commission to review the application.

Motion by Mr. Ross, seconded by Mr. Burton, and carried unanimously to defer the application. Motion carried 3-0.

Raymond & Joann Goins

Lot & 50' Easement – Road 579

This is a minor subdivision for the creation of one (1) lot off of an existing 50 ft. easement. The property is located on the west side of State Forest Rd. (Rd. 597). The property is zoned AR-1 (Agricultural Residential District). Parcel ID: 231-6.00-25.02. The property is currently 3.08 +/- acres. The minor subdivision will create a .75 +/- acre parcel and the residual will be 2.33 +/- acres. The current parcel utilizes an existing 50 ft. easement. The new parcel will also use the 50 ft. easement for access and frontage. A survey of the proposed minor subdivision shall be

submitted prior to recordation for review by staff. Staff is still awaiting DelDOT Approval Letter.

Motion by Mr. Ross, seconded by Mr. Burton, and carried unanimously to approve the preliminary minor subdivision plan and allow final minor subdivision approval by staff pending submission of a survey and DelDOT approval. Motion carried 3-0.

Lorne Breasure

3 Lots & 50' Easement – Road 323

This is a minor subdivision for the creation of 4 lots off an existing 50 ft. easement. The property is located on the west side of Breasure Rd. (Rd. 323). The property is zoned AR-1 (Agricultural Residential District). Parcel ID: 133-6.00-85.17. The property is currently 6.6934 +/- acres. The minor subdivision will create Lot E (1.1036 +/- acres) of land, Lot F (1.3730 +/- acres), Lot G (1.4132 +/- acres) and residual (2.7861 +/- acres). The parcels will utilize the existing 50 ft. easement. This parcel appears to exceed the maximum number of lots permitted under a minor subdivision. Staff recommends the Planning Commission require a Public Hearing for the application.

Motion by Mr. Ross, seconded by Mr. Burton, and carried unanimously to deny the minor subdivision per staff recommendation and if a new application is submitted to require a Public hearing. Motion carried 3-0.

Spring Meadows, LLC

3 Lots & 50' Easement – Road 324

This is a minor subdivision for the creation of 3 lots with a 60 ft. easement. The property is located on the southwest side of Sussex Pines Rd. (Rd. 324). The property is zoned AR-1 (Agricultural Residential District). Parcel ID: 135-23.00-21.00. The property is currently 11.476 +/- acres. The minor subdivision will create a lot with 1.350 +/- acres of land, a lot with 4.523 +/- acres, and a lot with 5.603 +/- acres. A 60 ft. easement with a cul-de-sac at the end will be created to provide access and frontage to the three lots. The applicant has previously subdivided the property into 3 lots with a residual over 10 acres. This minor subdivision will create two new lots and a residual parcel.

Motion by Mr. Burton, seconded by Mr. Ross, and carried unanimously to approve the application. Motion carried 3-0.

Meeting adjourned at 8:22 P.M.